

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

BRENDA BRASWELL et al.,

Plaintiffs,

V.

THE UNITED STATES,

Defendant.

No. 20-359  
(Senior Judge Wolski)

## DEFENDANT’S UNOPPOSED MOTION TO STAY

Pursuant to Rule 7 of the Rules of the Court of Federal Claims (RCFC), defendant, the United States, respectfully requests that the Court stay the Government's deadline to respond to plaintiffs' second amended complaint. Counsel for plaintiffs has indicated that plaintiffs do not oppose this motion.

Plaintiffs originally filed this case on March 27, 2020, and subsequently filed an amended complaint on July 22, 2020. *See* ECF Nos. 1, 11. On December 11, 2020 the Government filed a motion to dismiss plaintiffs’ amended complaint (ECF No. 16) and plaintiffs filed an opposition to that motion on February 5, 2021 (ECF No. 21). Before filing a reply in support of our motion to dismiss, the Government moved to stay this case, pending a decision by the Federal Circuit in a related case: *Cody Adams v. United States*, No. 20-783 (Fed. Cl.), appeal docketed, No. 21-1662 (Fed. Cir.). *See* ECF No. 22.

On August 20, 2021, the Court granted the Government’s motion to stay, but permitted exceptions to the stay to the extent that plaintiffs would “be allowed to file amended complaints with additional consent forms, and a motion for class certification.” ECF No. 25. The Court then ordered the parties to file a joint status report within 30 days of when *Cody Adams* became final and unappealable. *Id.*

On March 2, 2022, plaintiffs filed a motion for leave to file a second amended complaint. ECF No. 27. The Court granted that motion on April 18, 2022. ECF No. 29. In its April 18 order, however, the Court indicated that “the government will have 14 days from the date of this order to file its response” to the plaintiffs’ second amended complaint. *Id.* The Government understood the Court’s August 20, 2021 stay order to permit exceptions to the stay solely for the purpose of filing an amended complaint or a motion for class certification. However, given the language in the Court’s April 18, 2022 order, in an abundance of caution, we respectfully request that any deadline to respond to plaintiffs’ second amended complaint (and any subsequent amended complaints) be stayed, pending resolution of the *Cody Adams* appeal. Such a stay is especially warranted given that the parties never completed briefing on the Government’s motion to dismiss, as described above.

For these reasons, the United States respectfully requests that the Court grant this motion and stay any responsive pleading deadlines to any amended complaint filed by plaintiffs in this case until after the Federal Circuit’s resolution of *Cody Adams*, and only to the extent such a deadline is set forth in a future Court order.

Respectfully submitted,

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